



Instructions for Completing

Summary Reports 1 through 6 for
Certified Unified Program Agencies (CUPAs).

Reporting Fiscal Year 1998/1999

Department of Toxic Substances Control
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Unified Program Information Collection & Reporting Standards
are found in Title 27, California Code of Regulations, Section 15100 et seq.
Approved on May 14, 1999.

Instructions for Completing Unified Program
Information Collection and Reporting Standards
CUPA Summary Reports 1 through 6.

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REPORT 1: Surcharge Transmittal Report

This quarterly report is submitted to the Secretary in care of the Department of Toxic Substances Control, (DTSC), and is due within 30 days of the end of each fiscal quarter, as per Title 27, California Code of Regulations (CCR), section 15250(b).

The Secretary shall determine the annual service charge to be assessed on Unified Program (UP), regulated businesses, based on the assumptions, calculations, and supporting data that justify the reasonable and necessary costs of CUPA oversight and program element management by state agencies with responsibilities under the Unified Program. A UP regulated business that is covered by multiple subsections of the definition shall be counted as one UP regulated business. NOTE: The word “Surcharge” is used in the statute and regulations, and is being used in this document as “Service Charge”, except where the statute and/or regulation language is quoted.

CUPA Oversight Component [27 CCR, section 15240(c)(1)] **{ \$10.00 for FY 1998/1999 }**

This component of the service charge is known as Part A.

Each CUPA has the component for oversight assessed on **all** UP regulated businesses pursuant to Health and Safety Code (HSC), section 25404.5(b). This oversight fee only includes the necessary and reasonable costs of the Governor's Office of Emergency Services (excluding the costs of the California Accidental Release Program, [CalARP] program element) and the California State Fire Marshal.

For example: Big Industry Company, Inc. possessing six offices with different locations within Niceville County CUPA's jurisdiction would pay \$10.00 X 6 = \$60.00. Each office location would be counted as a UP regulated business subject to the CUPA oversight service charge.

UST Component [27 CCR, section 15240(c)(2)] **{ \$8.00 per tank for FY 1998/1999 }**

This component of the service charge is known as Part B.

Each UP regulated business that has underground storage tanks (USTs), will be assessed service charge fees for this component for each UST pursuant to HSC, section 25404.5(b). This covers the necessary and reasonable costs of the State Water Resources Control Board.

For example: Big Industry Company, Inc. with six offices in different locations possessing 2 tanks per location within Niceville County CUPA's jurisdiction would pay \$8.00 X 2 X 6 = \$96.00. Each regulated tank would be subject to the UST oversight service charge.

CalARP Component [27 CCR, section 15240(c)(3)]

{\$105.00 per business for FY 1998/1999}

This component of the service charge is known as Part D.

If a UP regulated business is subject to the CalARP program, pursuant to the HSC, section 25531 et seq, and section 25404.5(b), then a CalARP service charge component is assessed on the business. It covers the necessary and reasonable costs incurred by the Governor's Office of Emergency Services for the implementation of the CalARP.

This service charge component is assessed on a single company or business within a CUPA's jurisdiction, regardless of the business's number of stationary sources.

For example: Six offices with different locations, each owned and operated by Big Industry Company, Inc, and each manufacturing chemicals, within Niceville County CUPA's jurisdiction would pay $\$105.00 \times 1 = \105.00 . In this example Big Industry Company, Inc. is considered a single UP regulated business regardless of the number of stationary sources they operate.

From all of the above mentioned examples related to service charge components; Big Industry Company, Inc. possessing six offices at different locations with two USTs per location, with all six locations subject to CalARP, and within Niceville County CUPA's jurisdiction, would pay the following service charge:

Part A: $\$10.00 \times 6$ reportable locations = \$60.00,

Part B: $\$8.00 \times 6$ locations $\times 2$ tanks per location = \$96.00,

Part D: $\$105.00 \times 1 = \105.00 ,

Total Service Charge = \$261.00

REPORT 2 Annual Single Fee Summary Report

This report is submitted to the Secretary in care of the DTSC by September 30, 1999, as per Title 27, CCR, section 15290(a)(1). For each reporting State fiscal year (FY), an updated Annual Single Fee Summary Report should be submitted with a copy of every Surcharge Transmittal Report submitted for the same fiscal year.

The Annual Single Fee Summary Report should include the following:

- A) The amount of the single fee billed and the amount collected,
- B) The amount of any funds due to Participating Agencies (PA), and the amount actually transmitted,
- C) The amount of surcharge billed, the amount of surcharge waived, and the amount of surcharge collected for CUPA oversight, underground storage tanks (USTs), and the California Accidental Release Prevention (CalARP) program,
- D) If the CUPA believes that the number of UP regulated businesses will change significantly in

the current year or in the next year, then estimates of those changes for each program element will be provided in a cover letter with Report 2.

For example: If during the fiscal year 98/99 a number of UST facilities were deleted from the permit billing system due to their removal and the non-replacement of the USTs, or if the CalARP counts increase and/or decrease as initial estimates are confirmed by program inspections, then estimates of those changes for each program element should be provided in a cover letter with Report 2.

E) A count for the year of the total UP regulated businesses, UST facilities, USTs, onsite hazardous waste treatment facilities [permit by rule (PBR), conditionally authorized (CA), and conditionally exempt (CE)], CalARP stationary sources, waivers granted to stationary sources, and businesses subject to the CalARP program surcharge.

NOTE: Anytime after this Report 2 is submitted by a CUPA to the State, if the information contained in this report changes, the CUPA must submit an updated Report 2 to the State and indicate which State FY the updated report covers.

Row: SINGLE FEE [27 CCR, section 15250(a)(1)(A)]

This is the fee instituted on UP regulated businesses according to HSC, section 25404.5 for costs incurred in administering the Unified Program. The Single Fee should include: (1) the necessary and reasonable costs incurred by the CUPA; (2) the necessary and reasonable costs incurred by Participating Agencies (PAs); and (3) the State service charge.

Row: PARTICIPATING AGENCIES, (PA) [27 CCR, section 15250(a)(1)(B)]

Identify in this category that portion of the single fees that were charged to recover the necessary and reasonable costs incurred by PAs in implementing elements of the Unified Program. CUPAs collect these monies on behalf of the PAs through the single fee system [HSC, sections 25404.5(a)(1) and (3)].

Row: SURCHARGE [27 CCR, section 15250(a)(1)(C)]

This is the State service charge portion of the single fee charged to businesses regulated under the Unified Program by the CUPA.

Row: CUPA Oversight: {\$10.00 for FY 1998/1999}

This component of the service charge is known as Part A. Each CUPA has the component for oversight assessed on **all** UP regulated businesses pursuant to Health and Safety Code (HSC), section 25404.5(b). This oversight fee only includes the necessary and reasonable costs of the Governor's Office of Emergency Services (excluding the costs of the CalARP program element) and the California State Fire Marshal.

Row: CalARP: {\$105.00 per business for FY 1998/1999}

This component of the service charge is known as Part D.

If a UP regulated business is subject to the CalARP program, pursuant to the HSC, Section 25531 et seq, and section 25404.5(b), then a CalARP service charge component is assessed on the business. It covers the necessary and reasonable costs incurred by the Governor's Office of Emergency Services for the implementation of the CalARP.

This service charge component is assessed on a single company or business within a CUPA's jurisdiction, regardless of the business's number of stationary sources.

Row: UST: {\$8.00 per tank for FY 1998/1999}

This component of the service charge is known as Part B.

Each UP regulated business that has underground storage tanks (USTs), will be assessed service charge fees for this component for each UST pursuant to HSC, sections 25404.5(b). This covers the necessary and reasonable costs of the State Water Resources Control Board.

Row: Surcharge Totals:

For each of the columns under "Surcharge" above, provide the total dollar amount for all components of the service charge (e.g., CUPA oversight + CalARP + UST = Surcharge Total).

Column: Total amount of single fee billed:

Report the total dollar amount of the single fee billed for the reporting fiscal year.

Column: Total amount of single fee waived:

Report the total dollar amount of single fees that were waived for the reporting fiscal year. Do not include in this total the amount of single fees, which were not waived but have not been collected because the UP regulated business or facility is inactive, bankrupt, or recalcitrant.

Column: Total amount of single fee collected:

Report the total dollar amount of single fees collected for the reporting fiscal year.

Column: Amount of single fee billed for PAs:

Report the total dollar amount of PAs cost portion of the single fees billed for the reporting fiscal year.

Column: Total amount of single fee collected for PAs:

Report the total dollar amount of the PA cost portion of the single fees collected for the reporting fiscal year.

Column: Total amount of single fee remitted for PAs:

Report the total dollar amount of monies paid to PAs from the single fees collected.

Column: Total amount of single fee still owed PAs:

Report the total dollar amount of single fees collected for the PAs but not yet paid to the PAs. This figure should be equal to the amount of money collected for PAs (Column 2) minus the amount of money already paid to PAs (Column 3) [Column 2 - Column 3 = Column 4].

Column: Total amount of surcharge billed:

For each service charge component stated in the rows of this report format, report the total dollar amount of service charge billed for the reporting State fiscal year.

For example: If a CUPA bills \$10,000 for CUPA Oversight, \$5,000 for CalARP and \$3,000 for USTs, then indicate these amounts in the respective columns.

Column: Total amount of surcharge waived:

For each service charge component stated in the rows of this report format, report the total dollar amount of service charge waived for the State fiscal year. Do not include in this total the amount of service charge, which was not waived but has not been collected because the UP regulated business or facility is inactive, bankrupt, or recalcitrant.

NOTE: The service charge can only be waived if:

- 1) The Secretary of Cal/EPA has specifically approved the allowance of service charge waivers by the CUPA [HSC, section 25404.5(d)]; or
- 2) The CUPA waives the entire Unified Program single fee charge to a UP regulated business [27 CCR, section 15250(a)(8)].

Column: Surcharge collected:

For each service charge component stated in the rows of this report format, report the total dollar amount of service charge collected for the State fiscal year. This would not include service charges received for prior State fiscal years.

Column: Total collections remitted to State:

For each service charge component stated in the rows of this report format, report the total dollar amount of service charge that has been remitted to the State. This would not include service charges received for prior State fiscal years.

Column: Total amount owed to State:

For each service charge component stated in the rows of this report format, report the total dollar amount of service charge collected but not yet remitted to the

State. This would not include service charges received for prior State fiscal years.

COUNTS [27 CCR 15250(a)(1)(E)]

Total Regulated Business:

Report the total number of UP regulated businesses (persons, businesses, facilities, or stationary sources) regulated by the CUPA under the Unified Program for the reporting fiscal year. (See 27 CCR, section 15110 for the definition of “Regulated Business”.) Count each business once per location.

For example: Business A is a hazardous waste generator and has several USTs at the same location; it should be counted as one UP regulated business. Company B operates at two different locations within a CUPA, therefore, this company would be counted as two UP regulated businesses.

Underground Storage Tanks, (UST):

Report the total number of USTs regulated by the Unified Program during the reporting fiscal year. This number should reflect the actual number of tanks, not just the number of tank facilities.

Underground Storage Tank Facilities:

Report the total number of UST facilities here, regardless of how many tanks are at each facility.

Permit by Rule, (PBR):

Report the total number of facilities conducting onsite treatment of hazardous wastes during the reporting fiscal year with the PBR treatment authorization tier as their highest tier. Note: This is a count of facilities, not a count of the number of on-site treatment units. When ranking tiers, PBR is considered the highest tier, CA the next highest, and CE the lowest.

For example: A facility that has treatment units operating under PBR, CA, and CE would be counted once here under PBR.

Conditional Authorization, (CA):

Report the total number of facilities conducting onsite treatment of hazardous wastes during the reporting fiscal year with the CA treatment tier as their highest tier. Note: This is a count of facilities, not a count of the number of units. When ranking tiers, PBR is considered the highest tier, CA the next highest, and conditionally exempt, (CE) the lowest.

For example: A facility that has treatment units operating under CA and CE, but none under PBR, would be counted here under CA.

Conditional Exemption, (CE):

Report the total number of facilities conducting onsite treatment of hazardous wastes during the reporting fiscal year with the CE treatment authorization tier as their only tier. Note: This is a count of facilities, not a count of the number of units. When ranking tiers, PBR is considered the highest tier, CA the next highest, and CE the lowest. This count includes any of the four CE categories: Conditionally Exempt Commercial Laundries (CECL), Conditionally Exempt Specified Wastestreams (CESW), Conditionally Exempt Small Quantity Treatment (CESQT), and Conditionally Exempt Limited (CEL).

For example: A facility that has treatment units operating under CE, but none under PBR or CA, would be counted once here under CE.

CalARP Program - Total Stationary Sources:

Report the total number of stationary sources regulated under the CalARP program as defined in HSC, section 25532 (k). This number should represent the total number of stationary sources, not just businesses.

Total Businesses Subject to CalARP Program Surcharge:

Report the total number of UP regulated businesses subject to the CalARP program service charge. This number excludes those businesses granted a waiver in accordance with 27 CCR, section 15240(c)(3)(A)(1). The CalARP program service charge is assessed on a single company or business within a CUPA, regardless of the business's number of stationary sources.

For example:

- 1.) Business A operates 5 plants at different locations within one CUPA. Business A would only be counted once by the CUPA as a business subject to CalARP, and would pay one CalARP program service charge.*
- 2.) Business B operates 5 plants in 5 different CUPAs. Business B would be counted once by each CUPA as a business subject to CalARP, and would pay 5 CalARP program service charges (one in each CUPA).*
- 3.) Business C operates 5 plants in 5 different PA jurisdictions, but all five plants are in the same CUPA jurisdiction. Business C would be counted only once by the CUPA as a business subject to CalARP, and would pay only one CalARP program service charge.*

Total Stationary Sources Granted a Risk Management Plan (RMP) Waiver Determination:

HSC, section 25534 allows CUPAs to waive the requirement for a Risk Management Plan (RMP) in cases where CUPAs determine that there is no significant likelihood of a regulated substance being an accident risk at a stationary source. Businesses granted such a waiver by a CUPA for all stationary source

operated by the business are not required to pay the CalARP program service charge [27 CCR, section 15240(c)(3)(A)(1)] starting in the fiscal year after the waiver is granted.

REPORT 3 Annual Inspection Summary Report

This report is submitted to the Secretary in care of the DTSC by September 30, 1999, as per Title 27, CCR, section 15290(a)(2).

INSPECTION SUMMARY

Row A: Hazardous Materials Release Response Plans (HMRRP):

These are businesses that are required to submit a HMRRP under Title 19 CCR, Section 2729(a). Do not include businesses that are subject solely to local requirements. Only include UP regulated businesses that fall within the State thresholds with quantities equal to or greater than 500 pounds, 55 gallons, or 200 cubic feet of compressed gas (calculated at standard temperature and pressure), and/or in quantities equal to or greater than the applicable federal threshold planning quantity for an extremely hazardous substance listed in 40 CFR, Part 355, Appendix A, or/and radioactive materials handled in quantities for which an emergency response plan is required to be adopted pursuant to Part 30, Part 40, or Part 70 of Chapter 10 of 10 CFR, or pursuant to any regulations adopted by the state in accordance with these regulations.

Row B: California Accidental Release Prevention (CalARP):

Include all stationary sources that are subject to the CalARP program as defined in the CalARP regulations, Title 19 CCR section 2735.3(tt), and pursuant to HSC, section 25532(k), regardless whether or not the CUPA has waived the requirement for that business.

Row C: Underground Storage Tank (UST) Facilities:

Include all businesses with one or more regulated USTs.

Row D: Aboveground Petroleum Storage Tank (AST) Facilities:

Include all inspected AST facilities (with a single tank capacity greater than 660 gallons or with a cumulative storage capacity greater than 1,320 gallons) where Spill Prevention Control and Countermeasure (SPCC) plan verifications were conducted. The Regional Water Quality Control Boards are responsible for SPCC compliance inspections. There is no requirement to report the number of regulated businesses for ASTs, only report the AST facilities that were inspected.

Row E: Hazardous Waste Generators (All):

These are businesses that are hazardous waste generators pursuant to State and federal definitions. These generators include non-RCRA regulated generators, and

RCRA generators.

NOTE: RCRA generators include both RCRA small quantity generators and RCRA large quantity generators (LQGs).

NOTE: Rows E-I are a subset of the Hazardous Waste Program; Rows F-I are not necessarily a subset of row E because some recyclers are not always regulated as hazardous waste generators.

Row F: RCRA LQGs:

Refer to the enclosed list of RCRA LQGs provided by DTSC, to include all businesses that are operating as RCRA large quantity generators during 1998/1999 State FY. The businesses on the list are from DTSC's database, and these are the generators that have filed a 1997 Hazardous Waste Report (Biennial Report) required of RCRA LQGs. The activity status and the manifest information are also from DTSC's database.

NOTE: A RCRA LQG is a generator who generates more than 1000 kg of RCRA hazardous waste in a calendar month. These businesses must declare themselves to U.S. EPA of their status as a RCRA LQG when obtaining an EPA ID# and must also notify U.S. EPA if they become inactive. In order to be removed from the RCRA LQG list, a business must notify U.S. EPA of their inactive status or their reduced volumes. Businesses are shown to be inactive if either; the businesses have notified U.S. EPA of their inactive status, or DTSC's annual verification of generator information was returned by mail as undeliverable.

Row G: Recyclers:

These are the number of businesses operating in one of the following two categories. If a business fits into both categories count that business only once.

- Persons that recycle more than 100 kg in a calendar month of an excluded or exempted recyclable material, or hazardous waste, at the same location where the material was generated (onsite recycling),
- Persons that are offsite recyclers of more than 100 kg in a calendar month of non-manifested excluded or exempted recyclable material. An offsite recycler operates at a location different than the location where the excluded recyclable material was generated.

For FY 98/99, if complete recycling information from the business activity page is not available, provide a count of recyclers that reported in 1996 or 1998 pursuant to HSC, section 25143.10, or that were identified through inspections.

Row H: Onsite Hazardous Waste Treatment (PBR, CA, CE):

These are businesses conducting hazardous waste treatment at the location where these wastes are generated (onsite). This on-site treatment is regulated under the

permit by rule (PBR), conditional authorization (CA), and/or conditional exemption (CE) tier. This is a per business count, not a per treatment unit count. For example: if a business has more than one treatment unit/tier, the business should be counted as one regulated business. Do not count transportable treatment units (TTUs) or household hazardous waste (HHW) temporary events or HHW permanent facilities.

Row I: Permit by Rule (PBR) - Household Hazardous Waste (HHW):

These are locations regulated under the HHW program as temporary events or permanent facilities. Do not count HHW activities authorized by variances.

Column 1: Number of Regulated Businesses:

This includes the UP regulated businesses in each program element within the CUPA's jurisdiction. Please refer to the specific instructions for the appropriate rows when completing this column. Regulated Business, pursuant to 27 CCR, section 15110, means any of the following:

- (1) "Person" as defined in: (1) the Hazardous Waste Management Program, HSC (HSC), Chapter 6.5, section 25118 and (2) the California Hazardous Substances Tax Law, Revenue and Taxation Code, Part 22, Division 2, section 43006.
- (2) "Business" as defined in the Hazardous Materials Emergency Response Plan and Inventory (Business Plan) program, HSC, section 25501(d).
- (3) "Facility" as defined in the Underground Storage Tank Program, HSC, section 25281(e).
- (4) "Tank facility" as defined in the Aboveground Storage Tank Program, HSC, section 25270.2(1).
- (5) "Hazardous waste facility" as defined in the Hazardous Waste Management Program, HSC, section 25117.1.
- (6) "Stationary source" as defined in the California Accidental Release Prevention Program, HSC, section 25532(k).

In column 1 on Report 3 the count of UP regulated businesses in each program element, A-I, may count the same businesses multiple times, once for each applicable program element.

For example: Niceville County CUPA has 100 regulated businesses that are required to submit Hazardous Materials Release Response Plans, of which 75 are Hazardous Waste Generators, within its jurisdiction (the remaining 25 businesses may be storing hazardous materials, but in

quantities below the State reporting thresholds). The count in field A1 would reflect 100 Hazardous Materials Release Response Plans and the count in field E1 would reflect 75 Hazardous Waste Generators.

Column 2: Number of Regulated Businesses Inspected:

This is a count of how many businesses CUPA's inspected between July 1, 1998 and June 30, 1999, of the State FY. This includes any or all inspections conducted: whether routine or other types of inspections. If a business was inspected more than once, only count the business once in this column.

For example: If an inspector from Niceville County CUPA inspected Big Industry Company, Inc.'s main office six times in one year for HMRRP, the CUPA should count this as one business inspected in field A2. But, if the inspector inspected Big Industry Company, Inc.'s six separate locations, the CUPA should count this as six businesses inspected in field A2.

Column 3: Number of Routine Inspections:

A routine inspection is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements. It does not include complaint inspections or follow-up inspections. If a business was inspected more than once during the reporting period, and each inspection was regularly scheduled, each inspection should be counted here.

For example: During the State FY, an inspector from Niceville County CUPA inspected Big Industry Company, Inc. on four regularly scheduled Hazardous Waste Generator inspections, and the CUPA also conducted two follow-up inspections and one complaint inspection also for the hazardous waste generator program element. The CUPA would count each of the four inspections as four routine inspections for the hazardous waste generator program element, in column 3. The two follow-up inspections and one complaint inspection do not qualify as routine inspections; they would be counted as three "other " inspections for hazardous waste generator program element, in column 5.

Please note that a business with multiple non-contiguous locations within a CUPA is not counted as one business, rather it is counted as the total number of those non-contiguous locations of that business. For example, if Fox Photo Co. has 5 locations within a CUPA's jurisdiction then each of these 5 locations will be considered a separate business (i.e. a total of 5 businesses).

Column 4: Number Of Routine Inspections that Returned to Compliance within Established Standards:

Instructions for completing CUPA to State Summary Reports

This is a count of all routine inspections from Column 3, by program element, if 1) violations were discovered, and 2) the facility returned to compliance within the established standard timeline from the date the violations were found. This is a count of how many facilities came back into compliance in a timely manner after an initial inspection resulted in a violation. If no violations were found, the CUPA does not have anything to report in this column. If there were violations found, but they were not corrected within the established standards, the CUPA does not have anything to report in this column. The return to compliance within established standard timeline is by specific program elements:

- HMRRP - 30 days from the date of the deficiency notice [HSC, section 25505(a)(2)].
- CalARP – not yet established.
- UST - 30 days from receipt of the inspection report [Title 23, CCR, section 2712(f)].
- HW generator - 60 days from receipt of the inspection report [HSC, section 25185(c)(3)]. If it is a minor violation, 30 days, pursuant to HSC, section 25187.8(b).
- RCRA LQGs - 60 days from receipt of the inspection report [HSC, section 25185(c)(3)]. If it is a minor violation, 30 days, pursuant to HSC, section 25187.8(b).
- Recyclers - 60 days from receipt of the inspection report [HSC, section 25185(c)(3)]. If it is a minor violation, 30 days, pursuant to HSC, section 25187.8(b).
- PBR, CA, CE - 60 days from receipt of the inspection report [HSC, section 25185(c)(3)]. If it is a minor violation, 30 days, pursuant to HSC, section 25187.8(b).
- HHW - 60 days from receipt of the inspection report [HSC, section 25185(c)(3)]. If it is a minor violation, 30 days, pursuant to HSC, section 25187.8(b).

Local agencies may establish a shorter time frame. If there is a local standard, then the shorter time frame applies.

For example: An inspector from Niceville County CUPA made a routine inspection on Big Industry Company, Inc.'s main office to inspect their Hazardous Waste Generator activities, USTs, recycling, and onsite hazardous waste treatment activities where a number of violations were found. The inspector leaves a notice to comply within 30 days for USTs and 60 days for the recycling and onsite hazardous waste treatment activities. On the follow up inspection, the inspector finds the company has returned to compliance within the above stated established standards for all three violations. Therefore, this follow-up inspection would be counted as one count in column 5 for each respective program element, and the business would be counted as one count in column 4 for each

respective program element.

Column 5: Number of Other Inspections:

Count all inspections other than routine inspections performed for the businesses in Column 2. Other inspections include complaint investigations, closure, release investigations, tank installation and/or removal oversight, tank cleaning, and follow-up enforcement inspections, or other inspections that may be in addition to regularly scheduled inspections. It does not include routine inspections. Field or site visits whose principle purpose is informational, educational, pollution prevention education, visits needed to verify administrative information, orient new owners or operators, or CalARP audits are not considered inspections and should not be reported as “other inspections”.

If a business was inspected more than once during the reporting period and none of these inspections were regularly scheduled, then each inspection should be counted here. Count follow-up enforcement inspections conducted during this reporting period, even if the violation was discovered during the previous reporting period. Also count closure inspections conducted during this reporting period, even if the business closed prior to the reporting period.

Example #1: If an inspector from Niceville County CUPA inspected Big Industry Company, Inc., a RCRA LQG, on a follow-up inspection regarding their RCRA LQG program and their UST program, the CUPA would count one “other inspection” in each row of the respective program element, including Hazardous Waste Generator (HWG), since RCRA LQGs are a subset of the HWG program element.

Example #2: An inspector from Niceville County CUPA investigates a complaint about a business whose property is zoned for a business that handles and/or generates hazardous materials and hazardous waste. The inspector inspects the business for compliance with all applicable program elements only to find that the business is operating without an EPA ID number or a valid permit. The inspector completes an inspection report, and issues a Notice of Violation/Notice to Comply, with a deadline for compliance to obtain an EPA ID number and a valid operating permit from the CUPA. This complaint inspection is counted as one “other inspection” in column 5 for the respective program elements.

***Further,** if on the follow up investigation the inspector finds the facility is no longer in business then this follow-up inspection to a complaint inspection is counted in column 5 for each respective program element, and not as a routine inspection. Complaint inspections, including any follow-up inspections stemming from a complaint inspection, are not counted as routine. Also, if this facility were no longer in business, then the follow-up inspection would be counted in column 5 for each respective program element, because this business was operating*

as a regulated business within the reporting FY.

NOTE: Routine inspections that reveal businesses that are out-of-business with a vacant site are counted as a routine inspection if that business was doing business in that calendar year, even if it was only for one day. These types of inspections should be logged under columns 2 and 3 for the respective program elements. (Some CUPAs may write up an inspection report since the need to inspect the premises to confirm that all hazardous materials/wastes have been removed from the premises. Also, the CUPA will then need to process the paperwork to inactivate these facilities and remove them from the billing system, so counting these inspections reflects the CUPAs activities.)

**Indicators of Inspection Consolidation by
Inspection Category: [per Title 27 CCR section 15110(a)]**

Row K: Combined Routine Inspections:

A combined routine inspection is a routine inspection of a UP regulated business conducted by one inspector representing two or more Unified Program elements or other program elements. This does not include other inspections performed outside the routine inspection cycle. Count the number of routine inspections from column 3 that were conducted as combined routine inspections. The reported number of combined routine inspections is not a total of column 3.

NOTE: Program elements in rows E-I on Report 3 are a subset of the Hazardous Waste program. Therefore, when a CUPA counts the number of combined routine inspections from rows E-I, care should be taken to avoid adding together counts from program elements that may be within a subset of another program. If the only inspections reported are for E-I, it is not a combined inspection.

For example: One inspector from Niceville County CUPA conducted a routine inspection on Big Industry Company, Inc.'s facility to inspect their Hazardous Waste Generator activities, HMRRP, USTs, and onsite hazardous waste treatment activities. The CUPA would count this inspection as one in column 3 for each respective program element, and one in field K6 because one inspector combined two or more program elements into one inspection.

However, two inspectors from Niceville County CUPA, one with expertise in the UST program element and one with expertise in onsite hazardous waste treatment activities, conduct a routine inspection on Big Industry Company, Inc.'s facility. The CUPA would count this inspection as one inspection in column 2 (Number of UP regulated businesses inspected) and as one inspection in column 3 (Number of Routine Inspections) for each respective program element. But, no counts should be reported as a combined routine inspection because the CUPA did not

consolidate the inspection according to the combined routine inspection definition.

Row L: Joint Inspections:

A joint inspection is an inspection of a UP regulated business conducted jointly by more than one inspector from different UP agencies within a CUPA, for more than one program element. Count the inspections, both routine from column 3 and other from column 5 that were conducted as a joint inspection. The reported number of joint inspections is NOT a total of column 2, column 3, and column 5.

For example: One inspector from Niceville County CUPA and one inspector from Niceville PA conducted an inspection together on Big Industry Company, Inc.'s facility. The inspectors inspect the company's USTs, recycling, and onsite hazardous waste treatment activities, and thus, count this inspection as one joint inspection.

Row M: Integrated or Multi-Media Inspections:

An integrated inspection is an inspection of a UP regulated business conducted by one or more inspector from the UP and other programs not within the scope of the UP. Multi-media inspections are conducted by one or more inspectors for more than one medium, such as air, water, or soil. Count the inspections, both routine from column 3 and other from column 5 conducted as integrated, and/or multi-media inspections. The reported number of integrated and/or multi-media inspections are NOT a total of column 2, column 3, and column 5.

For example: If one inspector from Niceville County CUPA and one inspector from the local Air Pollution Control District made an inspection together to Big Industry Company, Inc.'s facility to inspect their USTs and toxic hot spots, the CUPA would count this inspection as one "Integrated or Multi-Media" inspection.

Row N: CalARP Program--Risk Management Plan (RMP) Audits:

In addition to the inspection of every stationary source every three years, the CUPA shall periodically audit RMPs. The RMP audit includes a review of the adequacy and requirement revisions, when necessary, to ensure compliance with 19 CCR, Division 2, Chapter 4.5, Article 3. To the extent possible, any audit shall be fully coordinated with other UP elements at the stationary source.

For example: Two inspectors from Niceville County CUPA, one with expertise in the CalARP program element and one with expertise in all other program elements, made a routine inspection on Big Industry Company, Inc.'s facility to inspect their RMP, USTs and their hazardous waste activities. One of the inspectors audited their RMP while the other inspected their USTs and hazardous waste activities, and only one

inspection report was issued. The CUPA would count this as one routine inspection in column 3, and as one regulated business inspection in column 2, for each program element. Finally the CUPA would also count this inspection as one RMP audit.

NOTE: CUPAs should derive numbers for reporting combined routine, joint, and/or integrated/multi-media inspections, and the number of RMP audits, (rows K, L, M, and N), from the applicable columns (3 and/or 5). One inspection from column 3 and/or 5 may be reported in more than one category of combined routine inspections. See example above for further clarification.

Column 6: Number of Inspections:

Total the number of each type of inspection, (K, L, or M), performed in the reporting period and place that total in the respective field for combined, joint, or integrated inspections. This is a simple count of each different type of consolidated inspection.

Column 7: Number of CalARP Audits:

Total the number of CalARP program risk management plan audits for the reporting period. Again, this is simply a count of the number of audits. Audits should not be counted as inspections.

REPORT 4 Annual Enforcement Summary Report

This report is submitted to the Secretary in care of the DTSC by September 30, 1999, as per Title 27, CCR, section 15290(a)(3).

Explanations of the program elements A-I as stated in the rows of this report format can be found in Report 3 above.

Violations Information

For Columns 1 through 4 report the number of facilities with violation types.

Column 1: Number of Facilities with Violation Type - Class I:

This information is required for hazardous waste program only, (rows E-I) from the businesses inspected, as reported in Column 2 on Report 3. Enter the number of regulated business with any Class I violations discovered during this reporting period, but not any outstanding violations from previous years. This is not a count of the total number of Class I violations, it is a count of the number of regulated business with Class I violations.

A Class I violation means a deviation that represents a significant threat to human health or safety or the environment because of the volume of the waste, the

relative hazardousness of the waste, or the proximity of the population at risk. The deviation must be significant enough that it could result in releases of hazardous waste or constituents to the environment, hazardous waste failing to be delivered to an authorized hazardous waste facility, failure to detect releases of hazardous waste or constituents, inadequate financial resources in the case of releases of hazardous waste or constituents, or inadequate financial resources to pay for facility closure, perform emergency cleanup operations or other corrective actions. Class I violations must be addressed through a formal enforcement action. A Class I violation is defined in HSC section 25110.8.5, and is also a deviation that is a Class II violation which is a chronic violation or committed by a recalcitrant violator, as per HSC, section 25110.8.5(b).

NOTE: A Class I is typically one that is referred to the District Attorney or City Attorney for formal enforcement action or resolved by issuing an administrative enforcement order. Sanctions are typically imposed for failure to correct the violation. However, any violation that meets the above definition may be counted as a Class I violation.

Column 2: Number of Facilities with Violation Type - Class II:

This information is required for hazardous waste programs only, (rows E-I) from the businesses inspected, as reported in Column 2 on Report 3. Enter the number of regulated business with any Class II violations which were discovered during this reporting period, but not any outstanding violations from previous years. This is not a count of the total number of Class II violations, it is a count of the number of regulated business with Class II violations.

Class II violation means a deviation that is not a Class I violation, and includes those violations that are knowing, willful, or intentional, or enable the violator to benefit economically from non-compliance, either by reduced costs or competitive advantage. A Class II violation is defined in 22 CCR, section 66260.10. Minor violations are not reported as a subset of Class II.

Column 3: Number of Facilities with Violation Type – Minor:

This information is required for hazardous waste programs only, (rows E-I) from the businesses inspected, as reported in Column 2 on Report 3. Enter the number of regulated business with any minor violations, which were discovered during this reporting period. This is not a count of the total number of Minor violations; it is a count of the number of regulated business with Minor violations.

Minor violation means a deviation from any regulation, standard, requirement, or permit condition, that is not a Class I or Class II violation, and is not willful or intentional. Minor violations must be addressed by a notice to comply, as specified in HSC, section 25187.8. Exclude from this count all violations where the violation is knowing, willful, or intentional, or enables the violator to benefit economically from noncompliance, either by reduced costs or

competitive advantage; these may be counted as Class I or Class II violations. Also exclude any violation that is a chronic violation or that is committed by a recalcitrant violator, since these are counted as Class I violations. A minor violation is defined in HSC, section 25117.6.

Column 4: Number of Facilities with Violation Type – Other:

From the businesses inspected, and as reported in Column 2 on Report 3, enter the number of regulated business with violations that are NOT hazardous waste violations, but are related to either HMRRP, CalARP, or UST only, and which were discovered during this reporting period. For example, state the respective numbers of regulated businesses with violations related to inspections reported in columns 2 of Report 3 for rows A, B, and C.

Enforcement Actions Taken

Column 5: Number of Informal Actions:

Please note: This column mistakenly requests information related to “Informal Enforcement Actions”. It should actually state “Informal Actions”. Therefore, for the purposes of this report only include informal actions.

This information is required for businesses from Column 1 on Report 3, enter the number of informal actions. Informal actions are written notifications to require compliance, which do not meet the definition of formal actions. An informal action notifies the business of non-compliance and establishes a date by which the non-compliance is to be corrected. Informal actions may deal with actions on any of the violations reported in columns 1-4 because informal actions may be taken as precursors to formal enforcement actions. Examples of informal actions include a letter or notice of violation, or an inspection report, which gives a deadline for compliance. No sanctions are imposed by informal actions.

Column 6: Total Number of Formal Enforcement Actions Initiated within 135 Days of Inspection or Determining Violation (Only Class I or Class II, not including minor):

This information is required for hazardous waste programs only. Enter the number of formal enforcement actions for Class I and Class II violations, not including minor violations, that are initiated within 135 days of the inspection or determining the violation. Column 6 is a count of “how many” formal enforcement actions were initiated in a timely manner. For a business with multiple locations within a CUPA, count each enforcement action initiated within 135 days of the inspection or violation determination. A formal enforcement action is an enforceable order, consent order, or consent agreement, which mandates compliance. Examples include administrative enforcement actions pursuant to HSC, section 25187 and referrals for civil and/or criminal actions. Sanctions are imposed for failure to

comply. Initiation of the enforcement action occurs when the administrative enforcement order is sent to the business or a written referral is made to the Attorney General (AG), District Attorney (DA), or County, or City Attorney.

For example: If a Formal Enforcement Action is initiated by a written referral to the DA, then this action would count as a formal enforcement actions in column 6 for the respective program elements as long as the Formal Enforcement Action was initiated within 135 days of the inspection, or determination of the violation.

Column 7: Number of Administrative Enforcement Actions:

This information is required for hazardous waste programs, rows E-I, and businesses required to submit a HMRRP, row A. From the businesses counted in Column 1 on Report 3, enter the number of administrative enforcement actions initiated during this reporting period. Also include any administrative enforcement actions or referrals resulting from prior years inspections, if those actions and referrals were not reported in any reports from prior years.

NOTE: For the purposes of this report, for Hazardous Waste program elements only, report the administrative enforcement actions taken only pursuant to HSC, section 25187. Any hazardous waste enforcement actions that are not taken pursuant to HSC, section 25187 should not be reported here, but may be counted as informal, civil, or criminal actions in column 5, 8, or 9, respectively.

Column 8: Number of Civil Enforcement Actions and Referrals:

From the number of regulated businesses as reported in Column 1 on Report 3, enter the number of civil enforcement actions and referrals initiated during this reporting period. Also include any civil enforcement actions or referrals resulting from prior years inspections, if those actions and referrals were not reported in any reports from prior years.

For example: If a CUPA refers a case to the DA for civil enforcement action, count this as one civil enforcement action.

If a CUPA refers a case to the DA for civil enforcement, and the DA rejects the case, and the CUPA then further pursues an administrative enforcement action within the same reporting period, count these actions as one civil enforcement action, in column 8, for the referral, and one administrative enforcement action, in column 7, for the issuance of the administrative enforcement order.

Column 9: Number of Criminal Enforcement Actions and Referrals:

From the number of regulated businesses as reported in Column 1 on Report 3, enter the number of criminal enforcement actions and referrals initiated during this reporting period. Include referrals for court orders. Also include any criminal

enforcement actions or referrals resulting from prior years inspections, if those actions and referrals were not reported in any reports from prior years.

For Columns 10 and 11 enter a dollar **amount**, these are currency fields.

Column 10: Total Fines/Penalties Assessed:

This information is required for the businesses from Column 1 on Report 3. Enter the total amount of any final monetary penalties assessed via court or administrative order, or the amount agreed upon in a formal legal settlement during this fiscal year. This is based on the value of penalties excluding costs, such as City/County attorney fees, or other State or local agency fees. Only include fines and/or penalties imposed for this reporting period. Do not include fines and/or penalties, which have not been paid from previous reporting periods, or are due to the courts, or the DA, nor to any other non-CUPA responding agencies.

Column 11: Total Fines/Penalties Collected:

This information is required for the businesses from Column 1 on Report 3. Enter the amount of the fines/penalties actually received by the CUPA, or the PA, during this reporting period, including the fines/penalties that were assessed during a previous reporting period, if there are any to report. Only include fines and penalties assessed on violations. Do not include fees such as re-inspection fees, or penalty fees that are due to the courts, or the DA, nor to any other fees, such as City/County attorney fees, or other State or local agency fees.

REPORT 5 Biennial Tiered Permitting Release Report

This report is submitted to the Secretary in care of DTSC every other year starting with 2000, for the previous two fiscal years. The first Biennial report for fiscal years 98/99 and 99/00 is due by August 30, 2000, as per Title 27, CCR, section 15290(b) and HSC, section 25171.5(a)(2).

EPA ID#:

EPA identification number for businesses that generate, recycle, or treat hazardous waste. For facilities in California, the number should start with the letters CA. If the handler is regulated under Federal RCRA requirements, this ID must be the U.S. EPA identification number.

Facility Name:

Full legal name of business.

Facility Address:

Full site address of business.

Highest Tier/Type of Facility (PBR, CA, CE):

State the highest tier for the business. When ranking tiers, PBR is considered the highest tier, CA is the next highest tier, and CE is the lowest tier.

For example: If Big Industry Company, Inc. were permitted as a PBR and a CA facility, a CUPA inspector would write "PBR" in this column.

Date of Release:

Date of release at a facility treating hazardous waste onsite under PBR, CA, or CE. A reportable release is from any activity at the facility, not just from one of the Tiered Permitting units. Report all releases of hazardous waste as defined in 22 CCR, section 66260.10, not just from treatment processes.

Description of Release:

Description of the circumstances of the release and actions subsequently taken. These are releases that CUPAs become aware of from any information source, and are for hazardous waste releases only pursuant to Chapter 6.5 of the HSC. This field is limited to 200 characters and is a narrative field.

Corrective Action Completed? (Y or N):

Date corrective action was completed. If no corrective action was needed, then leave blank. CUPAs should be reporting Y, N, or leave the field blank depending on whether the action to clean up the release was completed.

REPORT 6 Quarterly UST Program Report

This quarterly report is submitted to the State Water Resources Control Board (SWRCB), and is due within 60 days of the end of each fiscal quarter, as per Title 27, CCR, section 15290(d).

NOTE: Column A refers to the column titled "Information as of _____, Provided Quarterly by SWRCB". A quarterly date is provided by SWRCB.

Column B refers to the column to be completed by the CUPA titled "Changes This Quarter".

Row 1: Regulated Facilities with UST Systems

Column A: (Information Provided Quarterly by the SWRCB):

The number of facilities is shown here based on changes reported last quarter. The number in this column is cumulative from one quarter to the next and one year to the next. If a correction needs to be made, cross out the existing entry and fill in the corrected one. The State will revise the database from these changes to keep the information in the database current with the local agency's records. Use this column only to make any corrections to the previous report.

Column B: (Changes this Quarter):

Record the best available change in the number of facilities that occurred this quarter. New facilities are positive numbers whereas facilities removed from the UST Program are negative numbers. Please show the net change in this column. (For example, 2 new facilities were entered in the UST Program and 10 facilities were removed, this would equal a negative 8. Enter -8 in this column.)

Row 2a: Active Petroleum UST Systems

Column A: (Information Provided Quarterly by the SWRCB):

The number of active petroleum tank systems is shown here based on changes reported last quarter. Petroleum tank system(s) includes not only the tank, but also any associated piping, ancillary equipment, and containment systems, if any. The number of tank systems will be equal to the number of fill pipes at the facility. Petroleum tanks include all motor vehicle fuel tanks; e.g., gasoline, diesel, jet fuel, kerosene, new oil and petroleum. Active tanks include both tanks in service and those temporarily closed. The number in this column is cumulative from one quarter to the next and one year to the next. If a correction needs to be made, cross out the existing entry and fill in the corrected one. Use this column only to make any corrections to the previous report.

Column B: (Changes this Quarter):

Record the best available change in the number of active petroleum tank systems that occurred this quarter. New installations and newly discovered tanks are positive numbers whereas tank removals are negative numbers. Please show the net change in this column. (For example, 2 new installations, 1 newly discovered tank and 10 removals would equal a negative 7. Enter -7 in this column.)

Row 2b: Permanently Closed Petroleum UST Systems

Column A: (Information Provided Quarterly by the SWRCB):

The number of permanently closed petroleum tank systems based on changes reported last quarter is shown here. Permanently closed tanks are all tanks closed since January 1, 1984. The number in this column is cumulative from one quarter to the next and one year to the next. If a correction needs to be made, cross out the existing entry and fill in the corrected one. Use this column only to make any corrections to the previous report.

Column B: (Changes this Quarter):

Record the best available change in the number of permanently closed petroleum systems that occurred this quarter. This number should not be a negative number.

Row 3a: Active Hazardous Substance UST Systems

Column A: (Information Provided Quarterly by the SWRCB):

The number of active systems that contain a hazardous substance, e.g., used oil, solvents, methanol, and chemicals, is shown here based on changes reported last quarter. The number in this column is cumulative from one quarter to the next and one year to the next. If a correction needs to be made, cross out the existing entry and fill in the corrected one. Use this column only to make any corrections to the previous report.

Column B: (Changes this Quarter):

Record the best available change in the number of hazardous substance tank systems that occurred this quarter. New installations and newly discovered systems are positive numbers whereas tank removals are negative numbers. Please show the net change in this column. (For example, 2 new installations, 1 newly discovered tank and 10 removals would equal a negative 7. Enter -7 in this column.)

Row 3b: Permanently Closed Hazardous Substance UST Systems

Column A: (Information Provided Quarterly by the SWRCB):

The number of permanently closed hazardous substance systems is shown here based on changes reported last quarter. Permanently closed tanks are all tanks closed since January 1, 1984. The number in this column is cumulative from one quarter to the next and one year to the next. If a correction needs to be made, cross out the existing entry and fill in the corrected one. Use this column only to make any corrections to the previous report.

Column B: (Changes this Quarter):

Record the best available change in the number of permanently closed hazardous substance tanks that occurred this quarter. This number should not be a negative number.

Row 4: Active UST Systems with Approved Leak Detection Systems

Column A: (Information Provided Quarterly by the SWRCB):

The number of active tanks with approved leak detection systems is shown here based on changes reported last quarter. The number in this column is cumulative

from one quarter to the next and from one year to the next. If a correction needs to be made, cross out the existing entry and fill in the corrected one. Use this column only to make any corrections to the previous report. See SWRCB LG 113 for a list of approved leak detection equipment.

Column B: (Changes this Quarter):

Record the best available change in the number of active tanks with approved leak detection systems that occurred this quarter. This number can be either negative or positive. Please show the net change in this column. (For example, 2 new tank installations with approved leak detection, 1 permanently closed tank in place, and 5 tank removals that had leak detection would equal a negative 4. Enter -4 in this column.)

Row 5: Active UST Systems Meeting 1998 Upgrade/Replacement Requirements

Column A: (Information Provided Quarterly by the SWRCB):

The number of active tank systems meeting 1998 upgrade/replacement requirements is shown here based on changes reported last quarter. The number in this column is cumulative from one quarter to the next and one year to the next. If a correction needs to be made, cross out the existing entry and fill in the corrected one. Use this column only to make any corrections to the previous report.

Column B: (Changes this Quarter):

Record the best available change in the number of active tank systems meeting 1998 upgrade/replacement requirements that occurred this quarter. Tanks satisfying the 1998 upgrade requirements include those meeting the design and the construction requirements specified in Article 3, Underground Storage Tank Regulations, and the upgrade requirements of Article 6. Do not include closed tanks. (For the purposes of this report, temporarily closed tanks that meet the December 22, 1998, deadline requirement are included in line 2a.)

Row 6: Completed UST Facility Inspections

Column A: (Information Provided Quarterly by the SWRCB):

The number of completed facility inspections is shown here based on changes reported last quarter. The number in this column is cumulative from one quarter to the next and one year to the next. If a correction needs to be made, cross out the existing entry and fill in the corrected one. Use this column only to make any corrections to the previous report.

Column B: (Changes this Quarter):

Record the number of facility inspections conducted this quarter. A UST

inspection is defined as a visit to a single facility by a local agency employee who checks monitoring equipment performance and condition, as well as the quality of the record management. Count compliance inspections as long as leak detection methods and records are checked. This includes inspections where the inspector checks monitoring records for statistical inventory reconciliation (SIRs), automatic tank gauges (ATGs), cathodic protection systems, etc., and leak detection equipment for operability and/or running condition (e.g., console boxes, interstitial monitors, line leak detectors, cathodic protection systems). Include installation inspections if leak detection systems are checked as part of the inspection. Re-inspections count as long as any of the above leak detection items were checked. Do not count inspections for piping only, tank removal inspections, inspections of tank cleanup activity, or corrective action inspections. There are no negative numbers in this column.

NOTE: The SWRBCs definition of inspection is NOT the same as Title 27's definitions of "Routine" and "Other" inspections. Therefore, CUPAs should realize there are reporting differences between the types of inspections reported on Report 3 and Report 6.

Further, CUPAs should footnote any reported data that needs an explanation. The footnote should be placed on the bottom of the respective report or on a separate sheet of paper and attached to the report. The footnote should include the report number and field being footnoted, and the number of pages that should be attached to the report, if applicable.

APPENDIX A

NEW DEFINITIONS IN UNIFIED PROGRAM INFORMATION STANDARDS

EXCERPTS FROM TITLE 27, CCR SECTION 15110:

Unified Program Consolidated Form (UPCF) is a form used by Unified Program UP regulated businesses to provide a standardized document to satisfy numerous business-to-CUPA reporting requirements. It consolidates information UP regulated businesses are required to provide for different program elements to the CUPA. It incorporates or replaces previous state and local forms for Unified Program, program elements. The UPCF consists of the sections described in Section 15410 and is found in Appendix E.

Unified Program Data Dictionary (data dictionary) defines data elements, data field size and type, and edit criteria for regulatory data that shall be collected and retained by a CUPA. It has the following sections:

- (1) Business Section:** for information reported from businesses to CUPAs. [Appendix C],
- (2) CUPA Section:** for CUPA-to-State reporting of CUPA activities or other information that shall be collected and retained by a CUPA and reported pursuant to Section 15290. [Appendix D]

Inspection Types. There are two (2) types of Unified Program inspections, which for reporting

purposes are mutually exclusive:

(1) Routine Inspection is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements.

(2) Other Inspection includes, but is not limited to, regulatory field activity such as complaint investigations, enforcement follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations. It does not include routine inspections or field or site visits whose principle purposes are informational or educational, pollution prevention education, or verification of administrative information, or orientation of new owners or operators. "Other Inspection" also includes verification inspections for the administrative requirement of subdivision (c) of Section 25270.5 for owners and operators of aboveground storage tanks to prepare a spill prevention control and countermeasure plan.

Inspection Categories. There are four (4) categories of Unified Program inspections. One inspection may be reported in more than one category:

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(1) Single Program Inspection is an inspection of a UP regulated business conducted by one inspector for only one Unified Program element.

(2) Combined Inspection is an inspection of a UP regulated business conducted by one inspector representing two or more Unified Program elements or other program elements.

(3) Joint Inspection is an inspection of a UP regulated business, conducted by two or more inspectors representing different Unified Program Agencies within a CUPA, specifically to evaluate operations within the expertise of those regulatory agencies.

(4) Integrated or Multi-media Inspection is an inspection either involving Unified Program and non-Unified Program Agencies and/or involving more than one environmental medium (i.e.: air, water, soil) of a UP regulated business that results in consolidating inspections.

Enforcement Actions. There are the following types of Unified Program enforcement actions:

(1) Formal Enforcement is an action which mandates compliance and initiates a civil, criminal, or administrative process which results in an enforceable agreement or order. Enforceable means the instrument creates an independent, affirmative obligation to comply and imposes sanctions for the prior failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated. Examples include administrative orders and civil and criminal referrals to the appropriate prosecutor.

(2) Informal Action is an action other than a formal enforcement action that notifies the UP regulated business of its non-compliance and establishes a date by which that non-compliance is to be corrected. Examples include a letter or notice of violation. Informal actions do not impose sanctions. Please note; this column on Report 3 mistakenly requests information related to “Informal Enforcement Actions”. It should actually state “Informal Actions”.

(3) Integrated or Multi-media Enforcement is a formal enforcement action involving either Unified Program and non-Unified Program Agencies or involving more than one environmental medium (i.e. air, water, soil). An integrated or multimedia enforcement requires more than one agencies involvement or one medium-specific action to bring about compliance or to abate, investigate, prosecute or remediate the violations.

APPENDIX A

DEFINITIONS FROM THE UP DATA DICTIONARY -Appendices C and D:

(data element reference number)

Hazardous Waste Types of Violations for Reporting:

Class I (910): For hazardous waste generators, number of Class I violations. A Class I violation means a deviation that represents a significant threat to human health or safety or the environment because of the volume of the waste, the relative hazardousness of the waste, or the proximity of the population at risk. The deviation must be significant enough that it could result in releases of hazardous waste or constituents to the environment, hazardous waste failing to be delivered to an authorized hazardous waste facility, failure to detect releases of hazardous waste or constituents, inadequate financial resources in the case of releases of hazardous waste or constituents, or inadequate financial resources to pay for facility closure, perform emergency cleanup operations or other corrective actions. A Class I violation is also a deviation that is a chronic violation or committed by a recalcitrant violator. A Class I violation is typically one that is referred to the District Attorney or City Attorney for formal enforcement action. Sanctions are typically imposed for failure to correct the violation. Class I violations are defined in the Health and Safety Code (HSC) section 25110.8.5.

Class II (911): For hazardous waste generators, number of Class II violations. A Class II violation means a deviation that is not a Class I violation. This count includes violations, which would be considered minor, but are knowing, willful, or intentional, or enable the violator to benefit economically from noncompliance, either by reduced costs or competitive advantage. Do not include minor violations in this count. Class II violations

are defined in Title 22, California Code of Regulations (CCR) 66260.10.

Minor (912): For hazardous waste generators, number of minor violations. A minor violation means a deviation from any regulation, standard, requirement, or permit condition, that is not a Class I violation. Exclude from this count all violations where the violation is knowing, willful, or intentional, or enables the violator to benefit economically from noncompliance, either by reduced costs or competitive advantage. These are counted as Class II violations. Also exclude any violation that is a chronic violation or that is committed by a recalcitrant violator, since these are counted as Class I violations. A minor violation is defined in HSC 25117.6.

Other (913): For non-hazardous waste program elements, number of other violations. Other violations are those that are not hazardous waste violations.

APPENDIX A

Hazardous Waste Generator Types (for reporting)

Hazardous Waste Generator (9): Facility must report if it generates hazardous waste. "Hazardous waste" means a waste that meets any of the criteria for the identification of a hazardous waste adopted by the department pursuant to HSC §25141. "Hazardous waste" includes, but is not limited to, RCRA hazardous waste. Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include extremely hazardous waste and acutely hazardous waste. Triggers requirement to obtain and provide EPA Identification number.

RCRA Large Quantity Generator (LQG) of Hazardous Waste (900): Indicates if facility generates ≥ 1000 kg of RCRA hazardous waste in a calendar month. Identification is based on the business' notification of LQG activity to U.S. EPA, if the designation is incorrect, the CUPA cannot change the designation unless the business notifies U.S. EPA.

Generator of Solely California Hazardous Waste (901): Indicates if facility generates solely California hazardous waste and does not generate any RCRA waste.

Other Hazardous Waste Terms

Business that Recycles (10): Facility must report if it recycles more than 100 kilograms per month of recyclable material under a claim that the material qualifies for exclusion or exemption pursuant to HSC §25143.2. This includes onsite and offsite facilities that recycle under this law. Triggers requirement for Recyclable Materials data elements. Persons that send recyclable material offsite to be recycled and that do not recycle onsite are not included in this category.

Onsite Hazardous Waste Treatment (11): Facility must report if it treats hazardous waste under an onsite tier. "Treatment" means any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics for any purpose. "Treatment" does not include the removal of residues from manufacturing process equipment for the purposes of cleaning that equipment.

Amendments (effective 1/1/99) add exemptions from the definition of "treatment" for certain processes under specific, limited conditions. Refer to HSC §25123.5(b) for these specific exemptions. Treatment of certain laboratory hazardous wastes does not require treatment. Refer to HSC§25200.3.1 for specific information. Contact CUPA to determine if any exclusions apply. Triggers requirement for onsite hazardous waste treatment data elements.

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Hazardous Waste Tank Closure (14): Facilities must report if the tank being closed would be classified as hazardous waste, after its contents are removed. Classification could be based on:

- the facility's knowledge of the tank and its contents,
- testing of the tank,
- inability to remove hazardous materials stored in the tank,
- the mixture rule, or
- the listed wastes in 40 CFR 261.31, 40 CFR 261.32.

Triggers requirement for hazardous waste data elements.